



Senate

General Assembly

File No. 161

February Session, 2000

Substitute Senate Bill No. 60

Senate, March 22, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning Electronic Monitoring.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-30 of the general statutes, as amended by
2 section 12 of public act 99-183, is repealed and the following is
3 substituted in lieu thereof:

4 (a) When imposing sentence of probation or conditional discharge,
5 the court may, as a condition of the sentence, order that the defendant:
6 (1) Work faithfully at a suitable employment or faithfully pursue a
7 course of study or of vocational training that will equip [him] the
8 defendant for suitable employment; (2) undergo medical or psychiatric
9 treatment and remain in a specified institution, when required for that
10 purpose; (3) support [his] the defendant's dependents and meet other
11 family obligations; (4) make restitution of the fruits of [his] the
12 defendant's offense or make restitution, in an amount [he] the
13 defendant can afford to pay or provide in a suitable manner, for the
14 loss or damage caused thereby and the court may fix the amount

15 thereof and the manner of performance; (5) if a minor, (A) reside with
16 [his] the minor's parents or in a suitable foster home, (B) attend school,
17 and (C) contribute to [his] the minor's own support in any home or
18 foster home; (6) post a bond or other security for the performance of
19 any or all conditions imposed; (7) refrain from violating any criminal
20 law of the United States, this state or any other state; (8) if convicted of
21 a misdemeanor or a felony, other than a capital felony, a class A felony
22 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-
23 57, 53a-58 or 53a-70b or any offense for which there is a mandatory
24 minimum sentence which may not be suspended or reduced by the
25 court, and any sentence of imprisonment is suspended, participate in
26 an alternate incarceration program; (9) reside in a residential
27 community center or halfway house approved by the Commissioner of
28 Correction, and contribute to the cost incident to such residence; (10)
29 participate in a program of community service labor in accordance
30 with section 53a-39c; (11) participate in a program of community
31 service in accordance with section 51-181c; (12) if convicted of a
32 violation of subdivision (2) of section 53-21, section 53a-70, 53a-70a,
33 53a-70b, 53a-71, 53a-72a or 53a-72b, undergo specialized sexual
34 offender treatment; (13) if convicted of a criminal offense against a
35 victim who is a minor, a nonviolent sexual offense or a sexually violent
36 offense, as defined in section 54-250, as amended by public act 99-183,
37 or of a felony that the court finds was committed for a sexual purpose,
38 as provided in section 54-254, as amended by public act 99-183, register
39 such person's identifying factors, as defined in section 54-250, as
40 amended by public act 99-183, with the Commissioner of Public Safety
41 when required pursuant to section 54-251, as amended by public act
42 99-183, 54-252, as amended by public act 99-183, or 54-253, as amended
43 by public act 99-183, as the case may be; (14) be subject to electronic
44 monitoring; (15) satisfy any other conditions reasonably related to [his]
45 the defendant's rehabilitation. The court shall cause a copy of any such
46 order to be delivered to the defendant and to the probation officer, if
47 any.

48 (b) When a defendant has been sentenced to a period of probation,
49 the Office of Adult Probation may require that the defendant comply
50 with any or all conditions which the court could have imposed under
51 subsection (a) which are not inconsistent with any condition actually
52 imposed by the court.

53 (c) At any time during the period of probation or conditional
54 discharge, after hearing and for good cause shown, the court may
55 modify or enlarge the conditions, whether originally imposed by the
56 court under this section or otherwise, and may extend the period,
57 provided the original period with any extensions shall not exceed the
58 periods authorized by section 53a-29. The court shall cause a copy of
59 any such order to be delivered to the defendant and to the probation
60 officer, if any.

61 (d) The period of participation in an alternate incarceration
62 program, unless terminated sooner, shall not exceed the period of
63 probation authorized by section 53a-29 or two years, whichever is less.

64 (e) The judicial branch may require that the person subject to
65 electronic monitoring pursuant to subsection (a) of this section fully or
66 partially reimburse the judicial branch for the costs of such electronic
67 monitoring services. If the judicial branch finds that the person subject
68 to electronic monitoring is indigent and unable to pay the costs of
69 electronic monitoring services, it shall waive such costs.

70 Sec. 2. Subsection (c) of section 54-64a of the general statutes, as
71 amended by section 2 of public act 99-187, is repealed and the
72 following is substituted in lieu thereof:

73 (c) If the court determines that a nonfinancial condition of release
74 should be imposed pursuant to subparagraph (B) of subdivision (1) of
75 subsection (a) or (b) of this section, the court shall order the pretrial
76 release of the person subject to the least restrictive condition or
77 combination of conditions that the court determines will reasonably

78 assure the appearance of the arrested person in court and, with respect
79 to the release of the person pursuant to subsection (b) of this section,
80 that the safety of any other person will not be endangered, which
81 conditions may include an order that the arrested person do one or
82 more of the following: (1) Remain under the supervision of a
83 designated person or organization; (2) comply with specified
84 restrictions on such person's travel, association or place of abode; (3)
85 not engage in specified activities, including the use or possession of a
86 dangerous weapon, an intoxicant or a controlled substance; (4)
87 participate in the zero-tolerance drug supervision program established
88 under section 53a-39d, as amended by public act 99-187; (5) provide
89 sureties of the peace pursuant to section 54-56f under supervision of a
90 designated bail commissioner; (6) avoid all contact with an alleged
91 victim of the crime and with a potential witness who may testify
92 concerning the offense; (7) maintain employment or, if unemployed,
93 actively seek employment; (8) maintain or commence an educational
94 program; [or] (9) be subject to electronic monitoring; or (10) satisfy any
95 other condition that is reasonably necessary to assure the appearance
96 of the person in court and that the safety of any other person will not
97 be endangered. The court shall state on the record its reasons for
98 imposing any such nonfinancial condition.

99 Sec. 3. Section 54-64a of the general statutes, as amended by section
100 2 of public act 99-187, is amended by adding subsection (e) as follows:

101 (NEW) (e) The judicial branch may require that the person subject to
102 electronic monitoring pursuant to subsection (c) of this section, as
103 amended by section 2 of this act, fully or partially reimburse the
104 judicial branch for the costs of electronic monitoring services. If the
105 judicial branch finds that a person subject to electronic monitoring is
106 indigent and unable to pay the costs of electronic monitoring services,
107 it shall waive such costs.

108 Sec. 4. Section 53a-115 of the general statutes is repealed and the

109 following is substituted in lieu thereof:

110 (a) A person is guilty of criminal mischief in the first degree when:
111 (1) With intent to cause damage to tangible property of another and
112 having no reasonable ground to believe that [he] such person has a
113 right to do so, [he] such person damages tangible property of another
114 in an amount exceeding one thousand five hundred dollars, or (2) with
115 intent to cause an interruption or impairment of service rendered to
116 the public and having no reasonable ground to believe that [he] such
117 person has a right to do so, [he] such person damages or tampers with
118 tangible property of a utility or mode of public transportation, power
119 or communication, and thereby causes an interruption or impairment
120 of service rendered to the public, or (3) with intent to cause damage to
121 any electronic monitoring equipment owned or leased by the state or
122 its agent and required as a condition of probation or conditional
123 discharge pursuant to section 53a-30, as amended by this act, or as a
124 condition of release pursuant to section 54-64a, as amended by this act,
125 and having no reasonable ground to believe that such person has a
126 right to do so, such person damages such electronic monitoring
127 equipment and thereby causes an interruption in its ability to function,
128 or (4) with intent to cause an interruption or impairment of service
129 rendered to the public and having no reasonable ground to believe
130 that [he] such person has a right to do so, [he] such person damages or
131 tampers with (A) any tangible property owned by the state, a
132 municipality or a person for fire alarm or police alarm purposes, (B)
133 any telecommunication system operated by the state police or a
134 municipal police department, (C) any emergency medical or fire
135 service dispatching system, (D) any fire suppression equipment owned
136 by the state, a municipality, a person or a fire district, or (E) any fire
137 hydrant or hydrant system owned by the state or a municipality, a
138 person, a fire district or a private water company.

139 (b) Criminal mischief in the first degree is a class D felony.

140 Sec. 5. Section 46b-141c of the general statutes is repealed.

JUD Committee Vote: Yea 39 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost, Potential Savings

Affected Agencies: Judicial Department, Various Criminal Justice Agencies

Municipal Impact: None

Explanation**State Impact:**

The bill conforms statute to current practice by specifying that judges may order electronic monitoring in certain cases. This provision, therefore, does not result in a fiscal impact.

The bill could also result in savings to the state by allowing judges to require those subject to electronic monitoring to reimburse the Judicial Department for the cost of such services. Any reimbursements (estimated to be less than \$100,000) would be used for additional electronic monitoring services. The Judicial Department currently spends approximately \$580,000 in electronic monitoring devices for adult offenders and \$451,000 for juvenile offenders. Typically, offenders are subjected to electronic monitoring for a period of 60 days to 180 days. The service costs \$3.75 per day or \$1,369 per year per offender. A vendor through a contract with the state provides these services.

In addition, the bill could result in a cost to the criminal justice system by increasing the penalty for damaging or tampering with electronic monitoring equipment owned or leased by the state or its agents. The extent to which this currently occurs is unknown. These costs relate to additional criminal justice and correctional resources being allocated to these cases. In the short run, it is anticipated that these costs can be absorbed within the existing caseload structure of the criminal justice system. Over time, however, increases in criminal penalties could result in the need for additional criminal justice resources.

OLR Bill Analysis

sSB 60

AN ACT CONCERNING ELECTRONIC MONITORING.**SUMMARY:**

This bill specifies that judges may order electronic monitoring as a condition of probation, conditional discharge, or pretrial release. It authorizes the Judicial Department to require persons subject to such orders to fully or partially pay for such monitoring. But the department must waive the fee if it finds them indigent and unable to pay.

The bill specifies that the department may require the parents or guardians of any child under age 16 who receives electronic monitoring services to fully or partially reimburse it for monitoring costs and may assess a monthly fee. But the department must waive the fee if it finds them indigent and unable to pay.

The bill makes it a class D felony for someone to intentionally damage electronic equipment owned or leased by the state or its agents and required as a condition of probation, conditional discharge, or pretrial release if (1) he has no reasonable basis to believe he had a right to do so and (2) the damages interrupts its ability to function. A class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both.

Under current law, the penalty for intentionally damaging property is primarily determined by the amount of damage. If damages exceed \$1,500, it is a class D felony; if they exceed \$250, it is a class A misdemeanor (up to one year in prison, up to a \$2,000 fine, or both); if they are \$250 or less, it is a class B misdemeanor (up to six months in prison, a fine of up to \$1,000, or both).

EFFECTIVE DATE: October 1, 2000

COMMENT

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0